

Fill in this information to identify your case:

United States Bankruptcy Court for the:

SOUTHERN DISTRICT OF NEW YORK

Case number (if known) Chapter **11**

☐ Check if this an amended filing

Official Form 201

Voluntary Petition for Non-Individuals Filing for Bankruptcy

04/20

If more space is needed, attach a separate sheet to this form. On the top of any additional pages, write the debtor's name and the case number (if known). For more information, a separate document, *Instructions for Bankruptcy Forms for Non-Individuals*, is available.

1. Debtor's name **96 Wythe Acquisition LLC**

2. All other names debtor used in the last 8 years

Include any assumed names, trade names and *doing business as* names

3. Debtor's federal Employer Identification Number (EIN) **45-5412160**

4. Debtor's address Principal place of business

**679 Driggs Ave
Brooklyn, NY 11211**

Number, Street, City, State & ZIP Code

Kings

County

Mailing address, if different from principal place of business

**679 Driggs Ave
Brooklyn, NY 11211**

P.O. Box, Number, Street, City, State & ZIP Code

Location of principal assets, if different from principal place of business

96 Wythe Ave Brooklyn, NY 11249

Number, Street, City, State & ZIP Code

5. Debtor's website (URL)

6. Type of debtor

☒ Corporation (including Limited Liability Company (LLC) and Limited Liability Partnership (LLP))

☐ Partnership (excluding LLP)

☐ Other. Specify:

Debtor **96 Wythe Acquisition LLC**
Name

Case number (if known)

7. Describe debtor's business

A. Check one:

- ☐ Health Care Business (as defined in 11 U.S.C. § 101(27A))
☐ Single Asset Real Estate (as defined in 11 U.S.C. § 101(51B))
☐ Railroad (as defined in 11 U.S.C. § 101(44))
☐ Stockbroker (as defined in 11 U.S.C. § 101(53A))
☐ Commodity Broker (as defined in 11 U.S.C. § 101(6))
☐ Clearing Bank (as defined in 11 U.S.C. § 781(3))
☒ None of the above

B. Check all that apply

- ☐ Tax-exempt entity (as described in 26 U.S.C. §501)
☐ Investment company, including hedge fund or pooled investment vehicle (as defined in 15 U.S.C. §80a-3)
☐ Investment advisor (as defined in 15 U.S.C. §80b-2(a)(11))

C. NAICS (North American Industry Classification System) 4-digit code that best describes debtor.
 See <http://www.uscourts.gov/four-digit-national-association-naics-codes>.

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8. Under which chapter of the Bankruptcy Code is the debtor filing?

Check one:

- ☐ Chapter 7
☐ Chapter 9

☒ Chapter 11. Check **all** that apply:

A debtor who is a "small business debtor" must check the first sub-box. A debtor as defined in § 1182(1) who elects to proceed under subchapter V of chapter 11 (whether or not the debtor is a "small business debtor") must check the second sub-box.

- ☐ The debtor is a small business debtor as defined in 11 U.S.C. § 101(51D), and its aggregate noncontingent liquidated debts (excluding debts owed to insiders or affiliates) are less than \$2,725,625. If this sub-box is selected, attach the most recent balance sheet, statement of operations, cash-flow statement, and federal income tax return or if any of these documents do not exist, follow the procedure in 11 U.S.C. § 1116(1)(B).
☐ The debtor is a debtor as defined in 11 U.S.C. § 1182(1), its aggregate noncontingent liquidated debts (excluding debts owed to insiders or affiliates) are less than \$7,500,000, **and it chooses to proceed under Subchapter V of Chapter 11**. If this sub-box is selected, attach the most recent balance sheet, statement of operations, cash-flow statement, and federal income tax return, or if any of these documents do not exist, follow the procedure in 11 U.S.C. § 1116(1)(B).
☐ A plan is being filed with this petition.
☐ Acceptances of the plan were solicited prepetition from one or more classes of creditors, in accordance with 11 U.S.C. § 1126(b).
☐ The debtor is required to file periodic reports (for example, 10K and 10Q) with the Securities and Exchange Commission according to § 13 or 15(d) of the Securities Exchange Act of 1934. File the *Attachment to Voluntary Petition for Non-Individuals Filing for Bankruptcy under Chapter 11* (Official Form 201A) with this form.
☐ The debtor is a shell company as defined in the Securities Exchange Act of 1934 Rule 12b-2.

☐ Chapter 12

9. Were prior bankruptcy cases filed by or against the debtor within the last 8 years?

- ☒ No.
☐ Yes.

If more than 2 cases, attach a separate list.

District	_____	When	_____	Case number	_____
District	_____	When	_____	Case number	_____

10. Are any bankruptcy cases pending or being filed by a business partner or an affiliate of the debtor?

- ☐ No
☒ Yes.

List all cases. If more than 1, attach a separate list

Debtor	See Attachment	Relationship	_____
District	_____	When	_____
		Case number, if known	_____

Debtor **96 Wythe Acquisition LLC**
Name

Case number (if known)

11. Why is the case filed in this district?

Check all that apply:

- ☐ Debtor has had its domicile, principal place of business, or principal assets in this district for 180 days immediately preceding the date of this petition or for a longer part of such 180 days than in any other district.
- ☒ A bankruptcy case concerning debtor's affiliate, general partner, or partnership is pending in this district.

12. Does the debtor own or have possession of any real property or personal property that needs immediate attention?

☒ No

☐ Yes. Answer below for each property that needs immediate attention. Attach additional sheets if needed.

Why does the property need immediate attention? (Check all that apply.)

☐ It poses or is alleged to pose a threat of imminent and identifiable hazard to public health or safety.

What is the hazard?

☐ It needs to be physically secured or protected from the weather.

☐ It includes perishable goods or assets that could quickly deteriorate or lose value without attention (for example, livestock, seasonal goods, meat, dairy, produce, or securities-related assets or other options).

☐ Other

Where is the property?

Number, Street, City, State & ZIP Code

Is the property insured?

☐ No

☐ Yes. Insurance agency

Contact name

Phone

Statistical and administrative information

13. Debtor's estimation of available funds

Check one:

- ☒ Funds will be available for distribution to unsecured creditors.
- ☐ After any administrative expenses are paid, no funds will be available to unsecured creditors.

14. Estimated number of creditors

☒ 1-49

☐ 50-99

☐ 100-199

☐ 200-999

☐ 1,000-5,000

☐ 5001-10,000

☐ 10,001-25,000

☐ 25,001-50,000

☐ 50,001-100,000

☐ More than 100,000

15. Estimated Assets

☐ \$0 - \$50,000

☐ \$50,001 - \$100,000

☐ \$100,001 - \$500,000

☐ \$500,001 - \$1 million

☐ \$1,000,001 - \$10 million

☐ \$10,000,001 - \$50 million

☒ \$50,000,001 - \$100 million

☐ \$100,000,001 - \$500 million

☐ \$500,000,001 - \$1 billion

☐ \$1,000,000,001 - \$10 billion

☐ \$10,000,000,001 - \$50 billion

☐ More than \$50 billion

16. Estimated liabilities

☐ \$0 - \$50,000

☐ \$50,001 - \$100,000

☐ \$100,001 - \$500,000

☐ \$500,001 - \$1 million

☐ \$1,000,001 - \$10 million

☐ \$10,000,001 - \$50 million

☒ \$50,000,001 - \$100 million

☐ \$100,000,001 - \$500 million

☐ \$500,000,001 - \$1 billion

☐ \$1,000,000,001 - \$10 billion

☐ \$10,000,000,001 - \$50 billion

☐ More than \$50 billion

Debtor **96 Wythe Acquisition LLC**
Name

Case number (if known)

Request for Relief, Declaration, and Signatures

WARNING -- Bankruptcy fraud is a serious crime. Making a false statement in connection with a bankruptcy case can result in fines up to \$500,000 or imprisonment for up to 20 years, or both. 18 U.S.C. §§ 152, 1341, 1519, and 3571.

**17. Declaration and signature
of authorized
representative of debtor**

The debtor requests relief in accordance with the chapter of title 11, United States Code, specified in this petition.

I have been authorized to file this petition on behalf of the debtor.

I have examined the information in this petition and have a reasonable belief that the information is true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on **February 23, 2021**
MM / DD / YYYY

X /s/ David Goldwasser

Signature of authorized representative of debtor

David Goldwasser

Printed name

Title **Chief Restructuring Officer**

18. Signature of attorney

X /s/ Mark Frankel

Signature of attorney for debtor

Date **February 23, 2021**

MM / DD / YYYY

Mark Frankel

Printed name

Backenroth Frankel & Krinsky, LLP

Firm name

**800 Third Avenue
New York, NY 10022**

Number, Street, City, State & ZIP Code

Contact phone **(212) 593-1100**

Email address **mfrankel@bfklaw.com**

8417 NY

Bar number and State

Debtor **96 Wythe Acquisition LLC** Case number (if known) _____
Name

Fill in this information to identify your case:

United States Bankruptcy Court for the:

SOUTHERN DISTRICT OF NEW YORK

Case number (if known) _____ Chapter **11**

☐ Check if this an amended filing

FORM 201. VOLUNTARY PETITION

Pending Bankruptcy Cases Attachment

Debtor	232 Seigel Acquisition LLC	Relationship to you	Affiliate
District	Southern District of New York	When 7/14/20	Case number, if known 20-22845
Debtor	232 Seigel Development LLC	Relationship to you	Affiliate
District	Southern District of New York	When 7/14/20	Case number, if known 20-22844
Debtor	MY2011 Grand LLC	Relationship to you	Affiliate
District	SOUTHERN DISTRICT OF NEW YORK	When 11/06/19	Case number, if known 19-23957
Debtor	S & B Monsey LLC	Relationship to you	Affiliate
District	Souther Disctrict of New York	When 11/06/19	Case number, if known 19-23959

Fill in this information to identify the case:

Debtor name 96 Wythe Acquisition LLC

United States Bankruptcy Court for the: SOUTHERN DISTRICT OF NEW YORK

Case number (if known) _____

☐ Check if this is an amended filing

Official Form 202

Declaration Under Penalty of Perjury for Non-Individual Debtors

12/15

An individual who is authorized to act on behalf of a non-individual debtor, such as a corporation or partnership, must sign and submit this form for the schedules of assets and liabilities, any other document that requires a declaration that is not included in the document, and any amendments of those documents. This form must state the individual's position or relationship to the debtor, the identity of the document, and the date. Bankruptcy Rules 1008 and 9011.

WARNING -- Bankruptcy fraud is a serious crime. Making a false statement, concealing property, or obtaining money or property by fraud in connection with a bankruptcy case can result in fines up to \$500,000 or imprisonment for up to 20 years, or both. 18 U.S.C. §§ 152, 1341, 1519, and 3571.

Declaration and signature

I am the president, another officer, or an authorized agent of the corporation; a member or an authorized agent of the partnership; or another individual serving as a representative of the debtor in this case.

I have examined the information in the documents checked below and I have a reasonable belief that the information is true and correct:

- ☐ *Schedule A/B: Assets—Real and Personal Property* (Official Form 206A/B)
- ☐ *Schedule D: Creditors Who Have Claims Secured by Property* (Official Form 206D)
- ☐ *Schedule E/F: Creditors Who Have Unsecured Claims* (Official Form 206E/F)
- ☐ *Schedule G: Executory Contracts and Unexpired Leases* (Official Form 206G)
- ☐ *Schedule H: Codebtors* (Official Form 206H)
- ☒ *Summary of Assets and Liabilities for Non-Individuals* (Official Form 206Sum)
- ☐ *Amended Schedule* _____
- ☐ *Chapter 11 or Chapter 9 Cases: List of Creditors Who Have the 20 Largest Unsecured Claims and Are Not Insiders* (Official Form 204)
- ☐ Other document that requires a declaration _____

I declare under penalty of perjury that the foregoing is true and correct.

Executed on February 23, 2021

X /s/ David Goldwasser

Signature of individual signing on behalf of debtor

David Goldwasser

Printed name

Chief Restructuring Officer

Position or relationship to debtor

Fill in this information to identify the case:

Debtor name **96 Wythe Acquisition LLC**
United States Bankruptcy Court for the: **SOUTHERN DISTRICT OF NEW YORK**
Case number (if known): _____

☐ Check if this is an
amended filing

Official Form 204

Chapter 11 or Chapter 9 Cases: List of Creditors Who Have the 20 Largest Unsecured Claims and Are Not Insiders

12/15

A list of creditors holding the 20 largest unsecured claims must be filed in a Chapter 11 or Chapter 9 case. Include claims which the debtor disputes. Do not include claims by any person or entity who is an insider, as defined in 11 U.S.C. § 101(31). Also, do not include claims by secured creditors, unless the unsecured claim resulting from inadequate collateral value places the creditor among the holders of the 20 largest unsecured claims.

Name of creditor and complete mailing address, including zip code	Name, telephone number and email address of creditor contact	Nature of claim (for example, trade debts, bank loans, professional services, and government contracts)	Indicate if claim is contingent, unliquidated, or disputed	Amount of claim If the claim is fully unsecured, fill in only unsecured claim amount. If claim is partially secured, fill in total claim amount and deduction for value of collateral or setoff to calculate unsecured claim.		
				Total claim, if partially secured	Deduction for value of collateral or setoff	Unsecured claim
B In Power Inc. 199 Lee Ave Suite 214 Brooklyn, NY 11211			Disputed			\$231,558.37
Benefit Street Partners Realty Operating Partnership L.P. 142 W. 57th Street Suite 1201 New York, NY 10019		96 Wythe Avenue Brooklyn, NY 11249	Disputed	\$68,000,000.00	\$0.00	\$68,000,000.00
Decorative Home NY Inc 944 McDonald Ave Brooklyn, NY 11218			Disputed			\$20,000.00
Dynamic Electric 1046 Winthrop Street Brooklyn, NY 11212			Disputed			\$30,000.00
FIA HERITAGE HOLDINGS, LLC 7280 West Palmetto Park Road Boca Raton, FL 33433						\$3,085,773.21
International Tile 703 Myrtle Ave Brooklyn, NY 11205			Disputed			\$10,000.00
KJ Artistic Inc 105 Sanford St Suite 101 Brooklyn, NY 11205			Disputed			\$20,000.00
NYC Dept. of Finance P.O. Box 680 Newark, NJ 07101-0680			Disputed	\$3,092,874.62	\$0.00	Unknown

Debtor **96 Wythe Acquisition LLC**
Name

Case number (if known)

Name of creditor and complete mailing address, including zip code	Name, telephone number and email address of creditor contact	Nature of claim (for example, trade debts, bank loans, professional services,	Indicate if claim is contingent, unliquidated, or disputed	Amount of claim If the claim is fully unsecured, fill in only unsecured claim amount. If claim is partially secured, fill in total claim amount and deduction for value of collateral or setoff to calculate unsecured claim.		
				Total claim, if partially secured	Deduction for value of collateral or setoff	Unsecured claim
OES - Williamsburg Hotel LLC 160 Water Street Brooklyn, NY 11201			Disputed			\$4,000,000.00
Velocity Framers 5014 16th Ave Suite 468 Brooklyn, NY 11204			Disputed			\$1,500,000.00

Fill in this information to identify the case:

Debtor name **96 Wythe Acquisition LLC**

United States Bankruptcy Court for the: **SOUTHERN DISTRICT OF NEW YORK**

Case number (if known) _____

☐ Check if this is an amended filing

Official Form 206Sum
Summary of Assets and Liabilities for Non-Individuals

12/15

Part 1: Summary of Assets

1. **Schedule A/B: Assets-Real and Personal Property** (Official Form 206A/B)

1a. **Real property:**

Copy line 88 from *Schedule A/B*..... \$ **0.00**

1b. **Total personal property:**

Copy line 91A from *Schedule A/B*..... \$ **0.00**

1c. **Total of all property:**

Copy line 92 from *Schedule A/B*..... \$ **0.00**

Part 2: Summary of Liabilities

2. **Schedule D: Creditors Who Have Claims Secured by Property** (Official Form 206D)

Copy the total dollar amount listed in Column A, *Amount of claim*, from line 3 of *Schedule D*..... \$ **71,092,874.62**

3. **Schedule E/F: Creditors Who Have Unsecured Claims** (Official Form 206E/F)

3a. **Total claim amounts of priority unsecured claims:**

Copy the total claims from Part 1 from line 5a of *Schedule E/F*..... \$ **0.00**

3b. **Total amount of claims of nonpriority amount of unsecured claims:**

Copy the total of the amount of claims from Part 2 from line 5b of *Schedule E/F*..... +\$ **8,897,331.58**

4. **Total liabilities**
Lines 2 + 3a + 3b

\$ **79,990,206.20**

**United States Bankruptcy Court
Southern District of New York**

In re **96 Wythe Acquisition LLC**

Debtor(s)

Case No.

Chapter

11

LIST OF EQUITY SECURITY HOLDERS

Following is the list of the Debtor's equity security holders which is prepared in accordance with rule 1007(a)(3) for filing in this Chapter 11 Case

Name and last known address or place of business of holder	Security Class	Number of Securities	Kind of Interest
96 Wythe Borrower DE LLC 679 Driggs Ave Brooklyn, NY 11211		.5%	Membership
96 Wythe Mezz DE LLC 679 Driggs Ave Brooklyn, NY 11211		99.5%	Membership

DECLARATION UNDER PENALTY OF PERJURY ON BEHALF OF CORPORATION OR PARTNERSHIP

I, the **Chief Restructuring Officer** of the corporation named as the debtor in this case, declare under penalty of perjury that I have read the foregoing List of Equity Security Holders and that it is true and correct to the best of my information and belief.

Date **February 23, 2021**

Signature **/s/ David Goldwasser**
David Goldwasser

*Penalty for making a false statement of concealing property: Fine of up to \$500,000 or imprisonment for up to 5 years or both.
18 U.S.C. §§ 152 and 3571.*

**United States Bankruptcy Court
Southern District of New York**

In re **96 Wythe Acquisition LLC**

Debtor(s)

Case No.

Chapter

11

VERIFICATION OF CREDITOR MATRIX

I, the Chief Restructuring Officer of the corporation named as the debtor in this case, hereby verify that the attached list of creditors is true and correct to the best of my knowledge.

Date: **February 23, 2021**

/s/ David Goldwasser

David Goldwasser/Chief Restructuring Officer

Signer/Title

Internal Revenue Service
c/o US Attorney Claims Unit
One Saint Andrews Plaza Rm 417
New York, NY 10007

Office of The United States Trustee
U.S. Federal Office Building
201 Varick Street
Suite 1006
New York, NY 10014

United States of America
c/o U.S. Attorney
86 Chambers Street
New York, NY 10007

NYS Dept of Tax & Finance
Bankruptcy Unit
PO Box 5300
Albany, NY 12205

State of New York
Attorney General's Office
120 Broadway
New York, NY 10271

City of New York
NYC Law Department
100 Church St
New York, NY 10007

NYC Department of Finance
66 John Street
New York, NY 10038

Backenroth Frankel & Krinsky
800 Third Avenue
11th Floor
New York, NY 10022

NYC Dept. of Environmental Protection
59-17 Junction Blvd
13th Floor
Elmhurst, NY 11373

B In Power Inc.
199 Lee Ave
Suite 214
Brooklyn, NY 11211

Benefit Street Partners Realty Operating
Partnership L.P.
142 W. 57th Street
Suite 1201
New York, NY 10019

Decorative Home NY Inc
944 McDonald Ave
Brooklyn, NY 11218

Dynamic Electric
1046 Winthrop Street
Brooklyn, NY 11212

FIA HERITAGE HOLDINGS, LLC
7280 West Palmetto Park Road
Boca Raton, FL 33433

International Tile
703 Myrtle Ave
Brooklyn, NY 11205

KJ Artistic Inc
105 Sanford St Suite 101
Brooklyn, NY 11205

NYC Dept. of Finance
P.O. Box 680
Newark, NJ 07101-0680

OES - Williamsburg Hotel LLC
160 Water Street
Brooklyn, NY 11201

Velocity Framers
5014 16th Ave
Suite 468
Brooklyn, NY 11204

**United States Bankruptcy Court
Southern District of New York**

In re **96 Wythe Acquisition LLC**

Debtor(s)

Case No.
Chapter

11

CORPORATE OWNERSHIP STATEMENT (RULE 7007.1)

Pursuant to Federal Rule of Bankruptcy Procedure 7007.1 and to enable the Judges to evaluate possible disqualification or recusal, the undersigned counsel for **96 Wythe Acquisition LLC** in the above captioned action, certifies that the following is a (are) corporation(s), other than the debtor or a governmental unit, that directly or indirectly own(s) 10% or more of any class of the corporation's(s') equity interests, or states that there are no entities to report under FRBP 7007.1:

96 Wythe Mezz DE LLC
679 Driggs Ave
Brooklyn, NY 11211

☐ None [*Check if applicable*]

February 23, 2021

Date

/s/ Mark Frankel

Mark Frankel

Signature of Attorney or Litigant
Counsel for **96 Wythe Acquisition LLC**
Backenroth Frankel & Krinsky, LLP
800 Third Avenue
New York, NY 10022
(212) 593-1100 Fax:(212) 644-0544
mfrankel@bfklaw.com

**United States Bankruptcy Court
Southern District of New York**

In re **96 Wythe Acquisition LLC**

Debtor(s)

Case No.
Chapter

11

STATEMENT REGARDING AUTHORITY TO SIGN AND FILE PETITION

I, **David Goldwasser**, declare under penalty of perjury that I am the **Chief Restructuring Officer** of **96 Wythe Acquisition LLC**, and that the following is a true and correct copy of the resolutions adopted at a special meeting duly called and held on the 22nd day of February, 2021. 96 Wythe Mezz DE LLC and 96 Wythe Borrower DE LLC, the Debtor's members, by Toby Moskovits and Michael Lichtenstein, agreed:

"Whereas, it is in the best interest of the LLC to file a voluntary petition in the United States Bankruptcy Court pursuant to Chapter 11 of Title 11 of the United States Code;

Be It Therefore Resolved, that **David Goldwasser**, as **Chief Restructuring Officer**, is authorized and directed to execute and deliver all documents necessary to perfect the filing of a chapter 11 voluntary bankruptcy case; and

Be It Further Resolved, that **David Goldwasser**, **Chief Restructuring Officer**, is authorized and directed to appear in all bankruptcy proceedings, and to otherwise do and perform all acts and deeds and to execute and deliver all necessary documents in connection with such bankruptcy case, and

Be It Further Resolved, that **David Goldwasser**, **Chief Restructuring Officer** is authorized and directed to employ the law firm of **Backenroth Frankel & Krinsky, LLP** in such bankruptcy case."

Date 2.22.2021

Signed s/David Goldwasser
David Goldwasser

Resolution of Board of Directors
of
96 Wythe Acquisition LLC

Whereas, it is in the best interest of this LLC to file a voluntary petition in the the United States Bankruptcy Court pursuant to Chapter 11 of Title 11 of the United States Code;

Be It Therefore Resolved, that **David Goldwasser, Chief Restructuring Officer**, is authorized and directed to execute and deliver all documents necessary to perfect the filing of a chapter 11 voluntary bankruptcy case; and

Be It Further Resolved, that **David Goldwasser, Chief Restructuring Officer** is authorized and directed to appear in all bankruptcy proceedings, and to otherwise do and perform all acts and deeds and to execute and deliver all necessary documents in connection with such bankruptcy case, and

Be It Further Resolved, that **David Goldwasser, Chief Restructuring Officer**, is authorized and directed to employ the law firm of **Backenroth Frankel & Krinsky, LLP** in such bankruptcy case.